SB Civil Writ Petition No. 3064/1999

Tarachand Sharma Vs State of Rajasthan & ors

5.9.2007

Hon'ble Mr Justice Ashok Parihar

Mr PS Sharma – for petitioner

None for respondents

BY THE COURT:

Petitioner has prayed for selection/appointment to the post of Sanskrit Teacher Gr III in pursuance to the advertisement issued for the year 1998-99.

In case, some specific qualifications are prescribed by the authorities for selection/appointment to the post of Teacher in a particular subject, this court, under writ jurisdiction, cannot substitute the same or even delete particular requirement. It is for the authorities to lay down qualifications as per requirement for selection to a particular post. Since the petitioner was not having particular subject as required for selection to the post in question, I find no ground for any interference of this court in such academic matters under writ jurisdiction. The writ petition is dismissed accordingly as having no merit.

It may be pointed out that the practice of the courts in keeping one post vacant for selection during the pendency of the litigation has been deprecated by the Hon'ble Supreme Court, more so, when, in given circumstances, there may be limited number of vacancies and because of such orders in more number of cases keeping one post vacant in each case, it will be impossible for the authorities to make regular selections.

(Ashok Parihar) J.

bnsharma